

### **Remarks/Arguments**

With reference to the Office Action of September 20, 2006 Applicants offer the following remarks.

### **Non-Art Rejections**

In the Office Action of September 20, 2006, various permutations and combinations of Claims 1-30 were objected to. Applicants have amended the Claims to obviate these objections.

Claims 1-30 were rejected under 35 USC §101 in that claims produce no tangible results, and only recite an intended use, not that the use has been undertaken.

### **Art Rejections**

In the Office Action of September 20, 2006, claims 1-30 were rejected as being unpatentable over US Patent 6,125,444 in view of Hennessy & Patterson, Computer Architecture: A Quantitative Approach.

Claims 11 and 21 are substantially parallel to claim 1, and all of the claims are dependent from either Claim 1 or Claim 11 or Claim 21. Thus the rejection and subsequent amendment of Claim 1 will be discussed in detail, with discussion applied to the other claims.

Check recites (as applied to claim 1):

One reason that the millicode would need to control when instruction fetches can occur is times when the millicode is doing sensitive system operations that require control of the type of cache functions that can occur. There are two mechanisms that can be used to control branch history table actions. Which will be used is determined by the specific millicode sequence being invoked. At the time of the entry into a millicode routine certain millicode control registers are initialized to the desired values. One bit in one of these registers when initialized to a value of one will result in the matching mechanism of the branch history table to be disabled and no further instruction fetches of the targets of these entries will be performed. (Check, column 2, lines 28-40)

and

In a processor such as in FIG. 1 that has a BHT (5) that is providing information that directs instruction fetching (2) the BHT functions in a nearly asynchronous fashion in order to predict the target instruction stream to have available to the instruction decode (3) the instruction text to provide instruction to the execution element(s) (4). The branch history table (5) is provided a starting address to search (6) which it uses to access the BHT array (8). It will increment (7) by an amount chosen in the design of the BHT to search for possible branch instructions. (Column 4, lines 21-30)

### **The Art of Record**

United States Patent 6,125,444 to Mark Anthony Check, et al. for Millimode Capable Computer System Providing Global Branch History Table Disables And Separate Millicode Disables Which Enable Millicode Disable To Be Turned Off For Some Sections Of Code Execution But Not Disabled For All describes a millimode capable computer system that provides control to millicode to allow the BHT operations to continue except when special situations occur that require control of instruction fetch operations where the BHT can be turned off for some sections of code execution, but not disabled for all. A single free running BHT functions for both a normal mode and a millimode for the central processor which can execute in millimode with a branch history table directing instruction fetch for

which both a global BHT disable and millicode disables exist. Hit detection logic receives input from the global BHT disable, as well as from an initialized control register bit and a processor control register bit to select the correct set target information and generate a "branch history table hit detected" control signal.

The cited portion of Patterson and Hennessey is a thorough discussion of branch target buffers in pipeline processors.

### **Applicants' Claimed Invention**

#### **Status of the Claims.**

Claims 1-30 were originally presented for Examination.

All of the claims were rejected in the Office Action of September 20, 2006. Applicants have amended their claims to particularly point out and describe their invention, and distinguish over the art of record.

Claims 9, 19, and 29 have been canceled.

Claims 1-8, 10-18, 20-28, and 30 are pending.

#### **Exemplary Claim**

Claim 1, as amended, is exemplary.

1. (Currently Amended) A method operating a computer having a pipelined processor, comprising ~~defining~~ setting a bit within an instruction text field of a branch, ~~said bit preventing whereby to prevent~~ the branch from being placed into a branch history buffer and a branch target buffer

to thereby prevent the branch from being predicted and to make the branch only detectable as at the time frame of decode.

**Discussion: 35 USC §101 and 112 (Second Paragraph) Objections and Rejections**

Applicants have amended the claims to overcome the 35 USC §§ 101 and 112 (Second Paragraph) rejections and objections.

Specifically, claim 1 (and claims 11 and 21) has been amended to recite

- \* setting a bit within an instruction text field of a branch,
- \* said bit preventing the branch from being placed into a branch history buffer and a branch target buffer
- \* to thereby prevent the branch from being predicted and
- \* to make the branch only detectable at the time frame of decode.

This amendment changes “defining a bit” to “setting a bit” and recites producing a tangible result (said bit preventing the branch from being placed into a branch history buffer and a branch target buffer to thereby prevent the branch from being predicted and to make the branch only detectable at the time frame of decode.) from the action of setting the bit.

**Discussion: Art Rejections**

As noted above, Claims 11 and 21 are substantially parallel to Claim 1, and all of the claims are dependent from either Claim 1 or Claim 11 or Claim 21. Thus the rejection and subsequent amendment of Claim 1 will be discussed in detail, with discussion applied to the other claims.

The overarching issue is whether the claims, as limited by the newly added clauses and limitations are allowable over the art of record,

Claim 1 will be analyzed in detail.

Applicants' invention, as recited in the specification and claims, is a method, system, and program product for operating a computer having a pipelined processor. The first step is setting a bit within an instruction text field of a branch. Setting the bits prevents the branch from being placed into both a branch history buffer and a branch target buffer. This prevents the branch from being predicted and makes the branch only detectable at the time frame of decode.

Specific support for this limitation is in numbered paragraph [0017] of Published Patent Application 20005/0216713-A1,

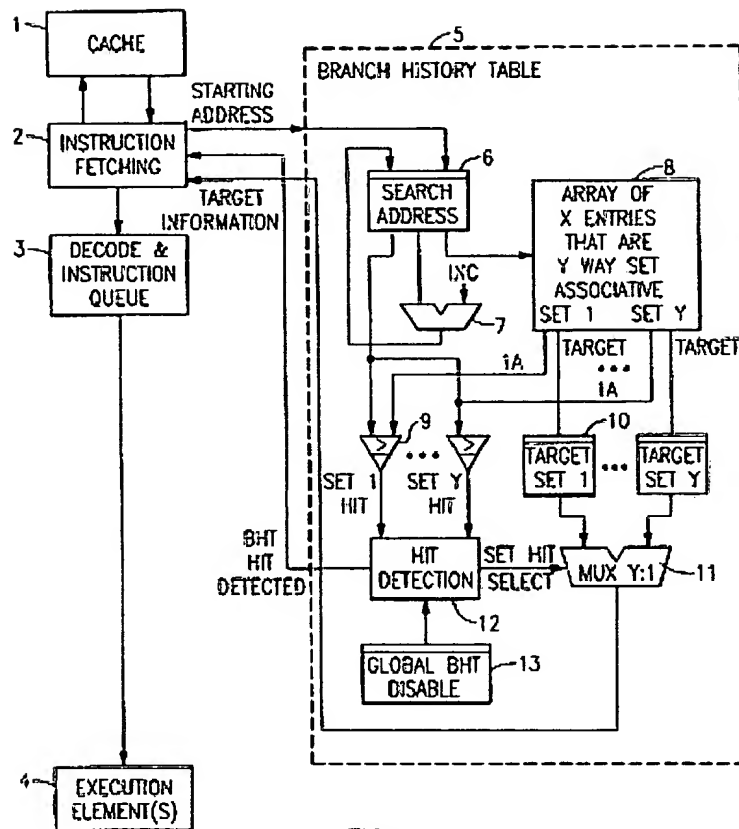
[0017] This is accomplished through a computer system, a method of operating a computer having a pipelined processor, and a computer program product for branch prediction in a pipelined CISC. This is implemented by defining a bit within an instruction text field of a branch whereby to prevent the branch from being placed into a branch target buffer and to thereby make the branch only detectable as the time frame of decode. This results in predicting the direction and target of a branch prior to decode, frequently using a branch prediction array (as a branch target buffer). The branch is tracked from the beginning of the pipe, decode, until the time frame that the given instruction is to be written into a branch prediction array. In carrying out the invention, the instruction text field may be denoted as a non-writable branch into the BTB. More particularly, the instruction field in the system area is denoted as a non-writable branch into the BTB in system so that the branch is blocked. The instruction field when denoted in the non-system area

may encounter aliasing. As a general rule machine state altering code lies within an address range supported by branch tag bits of the branch target buffer. According to the invention branches which have targets that are highly non-constant can be blocked from branch predictions through the use of the BTB blocking field in the instruction text. Also, state altering code in the system area can be denoted by a state bit within the BTB/BHT such that aliasing of branches within system area is prevented. (Page 2, ¶ [0017])

Claim 1, as originally presented, recited:

1. A method operating a computer having a pipelined processor, comprising defining a bit within an instruction text field of a branch whereby to prevent the branch from being placed into a branch target buffer to thereby make the branch only detectable as the time frame of decode.

In the Office Action, Claim 1 was rejected on Check, Figure 1 (showing a pipelined processor), i.e.,



**FIG.1**

and Check column 2, lines 33-40-

Which will be used is determined by the specific millicode sequence being invoked. At the time of the entry into a millicode routine certain millicode control registers are initialized to the desired values. One bit in one of these registers when initialized to a value of one will result in the matching mechanism of the branch history table to be disabled and no further instruction fetches of the targets of these entries will be performed. (Column 2, lines 32-40)

and Check, column 4, lines 24-27-

In a processor such as in FIG. 1 that has a BHT (5) that is providing information that directs instruction fetching (2) the BHT functions in a nearly asynchronous fashion in order to predict the target instruction stream to have available to the instruction decode (3) the instruction text to provide instruction to the execution

element(s) (4). The branch history table (5) is provided a starting address to search (6) which it uses to access the BHT array (8). It will increment (7) by an amount chosen in the design of the BHT to search for possible branch instructions. (Column 4, lines 22-31)

It is conceded in the Office Action that while Check teaches using an instruction field of an instruction (actually, Check discloses “control registers”), Check does not disclose that doing so would prevent the branch from being placed in a branch target buffer. Note that this is now positively recited in Claim 1, i.e.,

“...said bit preventing the branch from being placed into a branch history buffer and a branch target buffer...”

Patterson, pp. 271-275, is said to overcome this deficiency of Check, specifically because “...it would have been obvious to one of ordinary skill in the art to also not use the BTB, as it would not have the data it needs to be made use of.” Then citing Check, column 2, lines 28-31 (reproduced above), the Office Action recites that “Given the advantage of a BTB as disclosed by Patterson, and the need to implement it in the system as disclosed by Check, one of ordinary skill in the art at the time the invention was made would have been motivated to include a BTB, and also to disable its use when the BHT was disabled.”

Thus, the combination of references fails to specifically teach—

---“not use the BTB, as it would not have the data it needs to be made use of.” and

---“include a BTB, and also to disable its use when the BHT was disabled.”

But, these are conclusions, hindsight reconstructions that are not based upon the four corners of the references, but upon Applicants’ disclosure.

This argument is extended to independent claims 11 and 21, and to the claims dependent thereon (which carry all of the limitations of the independent claims from which they depend).



### Conclusion

Based on the above discussion, it is respectfully submitted that the pending claims describe an invention that is statutory subject matter and is properly allowable to the Applicants.

If any issues remain unresolved despite the present amendment, the Examiner is requested to telephone Applicants' Attorney at the telephone number shown below to arrange for a telephonic interview before issuing another Office Action.

Applicants would like to take this opportunity to thank the Examiner for a thorough and competent examination and for courtesies extended to Applicants' Attorney.

Respectfully Submitted


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